

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CRAIG J. GENIER,

Plaintiff,

vs.

Civil Action No.
8:08-CV-1039 (DEP)

MICHAEL J. ASTRUE,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF

SCHNEIDER LAW OFFICE
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Plattsburgh, NY 12901

MARK A. SCHNEIDER, ESQ.

FOR DEFENDANT

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KRISTINA D. COHN, ESQ.
Special Assistant

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

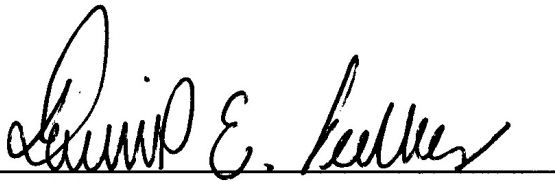
This court issued a decision and order in connection with this matter on September 22, 2009, granting defendant's motion for judgment on the

pleadings and dismissing plaintiff's complaint. Dkt. No. 15. The resulting judgment, entered on September 22, 2009, Dkt. No. 16, was subsequently reversed by the United States Court of Appeals for the Second Circuit's decision dated May 27, 2010. Based upon the Second Circuit's ruling, it is hereby

ORDERED, as follows:

- 1) Plaintiff's motion for judgment on the pleadings in connection with this action is GRANTED;
- 2) The Commissioner's determination, review of which was sought by the plaintiff is VACATED, and the matter is remanded to the Social Security Administration for further proceedings; and
- 3) The clerk is directed to enter judgment accordingly, and to close the court's file with respect to this matter.

Dated: August 17, 2010
Syracuse, NY


David E. Peebles
U.S. Magistrate Judge